

No. 13,970

United States Court of Appeals
For the Ninth Circuit

WONG GONG FAY,

Appellant,

vs.

HERBERT W. BROWNELL, JR., Attorney
General of the United States,

Appellee.

Appeal from the United States District Court for the
Northern District of California, Southern Division.

APPELLANT'S REPLY BRIEF.

SALVATORE C. J. FUSCO,
400 Montgomery Street, San Francisco 4, California.
Attorney for Appellant.

FILED

OCT 15 1954

PAUL P. O'BRIEN
CLERK

No. 13,970

IN THE

**United States Court of Appeals
For the Ninth Circuit**

WONG GONG FAY,

Appellant,

VS.

HERBERT W. BROWNELL, JR., Attorney

General of the United States,

Appellee.

**Appeal from the United States District Court for the
Northern District of California, Southern Division.**

APPELLANT'S REPLY BRIEF.

The appellee in his brief raised the question of jurisdiction (p. 3) by contending that the District Court does not have jurisdiction under 8 U.S.C. 903, and the appellee relies on his arguments and briefs submitted by the Government in the cases of *Lee Mon Hong v. Brownell*, No. 13,957.

The decision in the above case has already been delivered by the court and the question of jurisdiction has been decided.

The question was again raised in the *Ly Shew v. Dulles* case, No. 13,808, with respect to want of jurisdiction under 8 U.S.C. 903, and the court held that there was jurisdiction, citing *Brownell v. Lee Mon Hong*, No. 13,957, and *Fone Wong Jing v. Dulles*, No. 13,745.

CONCLUSION.

The appellee has reiterated in his conclusion the statement of the appellant: That the record discloses the fact of paternity of Wong Gong Fay as the son of Wong Hie.

The appellee in his presentation of argument and his case, insists that the court should summarily disbelieve the testimony of the witnesses as evidenced by the record.

Again the appellant stands upon the premises and grounds raised in his opening brief, which have not been controverted by the appellee.

Dated, San Francisco, California,
October 15, 1954.

SALVATORE C. J. FUSCO,
Attorney for Appellant.